

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINDA WILKINSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-0342 RSM

SCHEDULING ORDER

The Court **ORDERS** the following briefing schedule:

Plaintiff's Opening Brief, limited to 18 pages or 6300 words whichever is less , is due:	July 28, 2023
Defendant's Response Brief, limited to 18 pages or 6300 words whichever is less , is due:	August 27, 2023, or within 30 days of the date the opening is filed, whichever is earlier.
Plaintiff's Optional Reply Brief, limited to 9 pages or 3150 words whichever is less , is due:	September 10, 2023, or within 14 days of the date the response is filed, whichever is earlier.

These dates and page limitations are firm and can be changed only by order of the Court, not by agreement of counsel or the parties. Stipulations and motions to extend time or page limitations must be noted on the Court's calendar prior to the due date pursuant to the briefing schedules established in LCR 10(g) and LCR 7, respectively. The Court will consider the case

on written submissions unless otherwise ordered.

BRIEFING REQUIREMENTS

Because Plaintiff is proceeding *pro se*, the Court will outline the issues Plaintiff raised in her complaint. Dkt. 1. The purpose of this is to clarify the issues raised for both parties so that they may properly address them in their briefs and the Court may ultimately properly address them in its order. The Court understands the issues raised by Plaintiff's complaint as follows:

(1) Plaintiff's complaint alleges the ALJ did not properly review the medical evidence and the ALJ did not "apply the properly framework in reviewing the medical evidence." Dkt. 1 at 3–4. The Court understands these arguments to allege the ALJ erred in evaluating the medical evidence.

(2) Plaintiff's complaint alleges the ALJ "did not properly analy[ze] Plaintiff's pain or other subjective symptoms under the proper framework." Dkt. 1 at 4. The Court understands this argument to allege the ALJ erred in evaluating Plaintiff's subjective testimony.

(3) Plaintiff's complaint alleges the ALJ "improperly relied on a vocational expert who was using an 'unpublished' DOT code contrary to the published DOT." Dkt. 1 at 4. The Court understands this argument to allege the ALJ erred at step five of the sequential evaluation process by relying on the testimony of the vocational expert in finding Plaintiff is able to perform jobs that exist in significant numbers in the national economy.

(4) Plaintiff's complaint alleges that after the ALJ issued a decision finding Plaintiff not disabled, and after Plaintiff requested an appeal with the Appeals Council and provided additional evidence, the Appeals Council affirmed the ALJ's decision. Dkt. 1 at 4. The Court understands this argument to allege that based on the additional evidence submitted by Plaintiff to the Appeals Council, the ALJ's decision is not supported by substantial evidence.

1 These are the claims the Court will consider in its decision. Plaintiff may file an opening
2 brief discussing these claims. If Plaintiff has any other claims, she must list these claims on the
3 first page of her brief. She must also explain in her brief how the ALJ erred. If Plaintiff does not
4 file an opening brief, the Court will consider only the claims identified above.

5 Defendant must file a response, whether or not Plaintiff files an opening brief.
6 Defendant's response must address the claims Plaintiff raised in her complaint and any other
7 issues she may raise in her opening brief. Defendant's response must include citations to the
8 pages of the Administrative Record, relevant legal authority in support, and a statement of the
9 relief requested.

10 **Personal Data and Formatting**

11 All briefs must conform to the redaction rules regarding personal data set forth in LCR
12 5.2 and to the formatting requirements set forth in LCR 10.

13 In addition, all briefs must use the Bates number stamped on the lower right-hand corner
14 of each page when citing to specific pages of the Administrative Record.

15 **The Court may strike or return for correction briefs not conforming to this Order.**

16 DATED this 28th day of June, 2023.

17
18 

19 Ricardo S. Martinez
20 United States District Judge
21
22
23